

IN RE: PETITION FOR ZONING VARIANCE
E/S Lodge Farm Road, 104' N
of Sparrows Point Blvd.
(2603 Lodge Farm Road)
15th Election District
7th Councilmanic District
James R. Cantrell, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-311-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a buildable lot in accordance with Petitioner's Exhibit 1.

The Petitioners, by Keith Randlett, Vice President of Emerald Development Corporation, Inc., appeared and testified. Also appearing on behalf of the Petition were Michael Marino, Esquire on behalf of the Emerald Development Corporation, Inc., and Leonard Bohager, a registered professional land surveyor with McKee & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2603 Lodge Farm Road, is zoned D.R. 5.5 and is an undeveloped 50-foot wide lot. Testimony presented on behalf of Petitioners indicated that the subject property is part of the subdivision known as Lodge Forest which was developed in 1929 with 50-foot wide building lots. Petitioners propose constructing a single family dwelling which will meet side yard setback requirements. Testimony indicated that there remains no vacant land on either side of the subject property for Petitioners to acquire to meet lot width requirements. Testimony indicated that the granting of the variance will not result in detriment to the health, safety or general welfare of the public.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the P.C.Z.R.

-2-

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1989 that the Petition for Zoning Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a buildable lot in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

-3-

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

2) Petitioners and/or contract purchaser shall request no further variances for the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 1, 1989, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 27, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 28, 1989.

THE JEFFERSONIAN,

S. Zabe O'Brien
Publisher

PO 09023
reg M 25187
case 89-311-A
price \$39.40

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

January 26, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-311-A - P.O. #09039 - Reg. #N25188 - 91 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 27th day of January 1989; that is to say, the same was inserted in the issues of Jan. 26, 1989

Kimbel Publication, Inc.

per Publisher

By

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 857-3553

J. Robert Haines
Zoning Commissioner

February 15, 1989

Michael E. Marino, Esquire
10 E. Baltimore Street, Suite 1212
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
E/S Lodge Farm Road, 104' N of Sparrows Point Boulevard
(2603 Lodge Farm Road)
15th Election District - 7th Councilmanic District
James R. Cantrell, et ux - Petitioners
Case No. 89-311-A

Dear Mr. Randlett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Keith A. Randlett
6539 Corkley Road, Baltimore, Maryland 21237

People's Counsel

File

Chesapeake Bay Critical Areas Commission
Tawes State Office Bldg. - D-4
Annapolis, Maryland 21404

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-311-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11B02.3C.1.1 to allow a buildable lot with a minimum width of 50 ft in lieu of the required 55 ft.

1. The single family home is 28 ft. wide which provides for side yard setbacks is within accordance to Baltimore County Code.
2. Subject property and entire subdivision is residential and without requested variance, subject property is not capable of being developed, thereby creating practical difficulty or hardship with regard to developability.
3. The granting of this variance will not result in injury to public health, safety or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance: advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Signature: *James R. Cantrell*
Address:
City and State:
Attorney for Petitioner:
(Type or Print Name)
Signature: *Keith A. Randlett*
Address:
City and State:
Attorney's Telephone No.: *6539 Corkley Rd. 21237*

Legal Owner(s):
(Type or Print Name)
Signature: *James R. Cantrell*
(Type or Print Name)
Signature: *James R. Cantrell*
Address:
City and State:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Name: *Keith A. Randlett*
Address:
City and State:
Attorney's Telephone No.: *6539 Corkley Rd. 21237*

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of Feb., 1989, at 9 o'clock P.M.

(over)

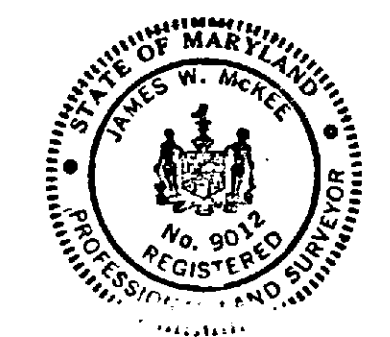
MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

November 10, 1988

DESCRIPTION OF
2603 LODGE FARM ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the east side of Lodge Farm Road, 104.56 feet north of the north side of Sparrows Point Boulevard. Being Lot 363 of the plat of Lodge Forest as recorded among the land records of Baltimore County in Plat Book 10, pages 76 and 77.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *15th* Date of Posting: *1/26/89*
Posted for: *Variance*
Petitioner: *J.R. Cantrell, Jr. et ux*
Location of property: *E/S Lodge Farm Rd., 104' N of Sparrows Pt. Blvd.*
Location of Sign: *Posting to be made on property of Baltimore County*
Remarks:
Posted by: *AMN:bjs* Date of return: *1/27/89*
Number of Signs: *1*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 1/30/89

Emerald Development Corporation, Inc.
16 Oakridge Court
Lutherville, Maryland 21093

ATTN: KEITH A. RANDLETT

Re: Petition for Zoning Variance
CASE NUMBER: 89-311-A
ES Lodge Farm Road, 104' N Sparrows Point Blvd.
2023 Lodge Farm Road
15th Election District - 7th Councilmanic
Legal Owner(s): J. R. Cantrell, Jr., et ux
Contract Purchaser(s): Emerald Development Corporation, Inc.
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Gentlemen:
Please be advised that \$99.90 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before each set not

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 065050

DATE 2/2/89 ACCOUNT 80-0151000

AMOUNT \$ 77.30

RECEIVED FROM: Cantrell, Jr.

FOR: Posting and Advertising (89-311-A)

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

January 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-311-A
ES Lodge Farm Road, 104' N Sparrows Point Blvd.
2023 Lodge Farm Road
15th Election District - 7th Councilmanic
Legal Owner(s): J. R. Cantrell, Jr., et ux
Contract Purchaser(s): Emerald Development Corporation, Inc.
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

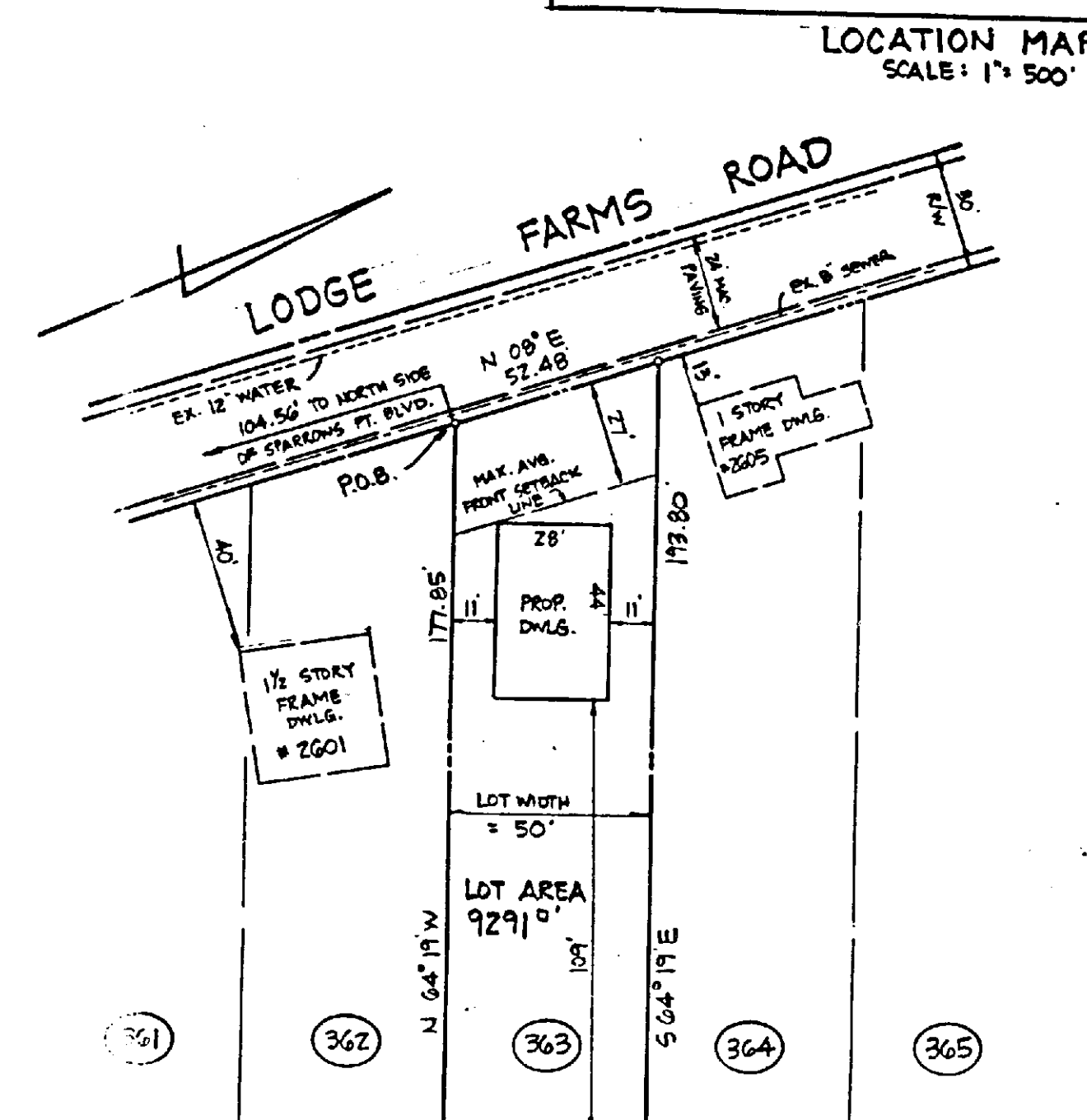
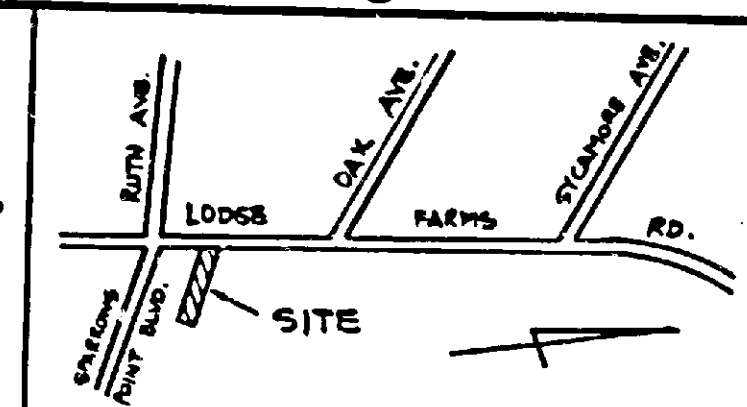
Variance to allow a buildable lot with a minimum width of 50 ft. in lieu of the required 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Keith A. Randlett
File

- NOTES
1. EX. ZONING - DR-5.5
 2. PUBLIC WATER - SEWER
 3. VARIANCE REQUEST REQUESTING A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55'.



James W. McKee, MD Reg No 9012 Date 11/10/88

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawen Place - Shawen Road
Hunt Valley, MD 21030
301-752-5820

2603 LODGE FARM ROAD

15 TH. ELECT. DIST. BALTO. CO., MD.
SCALE: 1" = 40' 11/8/88

LOT 363
" LODGE FOREST"
10/76.77

89-311-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 7th day of December, 19 88

J. Robert Haines
ZONING COMMISSIONER

Petitioner James R. Cantrell, Jr. Received by: Chairman, Zoning Plans
Petitioner's Attorney et ux Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Legal Owner: James R. Cantrell, Jr., et ux
Contract Purchaser: Emerald Development Corp.
Location: E/S Lodge Farm Road, 104' N. of Sparrows Pt. Blvd.
Lot #363, 2603 Lodge Farm Road
Item No. 194 Zoning Agenda: Meeting of 11/22/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning & Zoning
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 31, 1989

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Mr. Keith A. Randlett
Emerald Development Corp.
16 Oakridge Court
Lutherville, MD 21093

Re: Item No. 194, Case No. 89-311-A
Petitioner: James R. Cantrell, Jr., et ux
Petition for 89-311-A

Dear Mr. Randlett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Mr. & Mrs. James R. Cantrell, Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

Date: February 2, 1989

Pat Keller, Deputy Director
Office of Planning and Zoning

James and Dorothy Cantrell

SUBJECT: Zoning Petition No. 89-311-A

The petitioner is requesting consideration to establish a lot size of 50 feet. In cases such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate setbacks (building to building) being provided? and
3. Will the reduced lot size result in requests for additional variances?

If the petitioner's request is granted, staff recommends the following conditions:

- All building setback lines shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be included that states that all development shall conform to the setbacks as shown and additional variances shall not be granted.
- All applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law" as provided by the applicant.

PK/sf

RECEIVED
FEB 2 1989

ZONING OFFICE

69-311
PETITIONER'S
EXHIBIT 2

ATAPSCO

OLD
ROAD

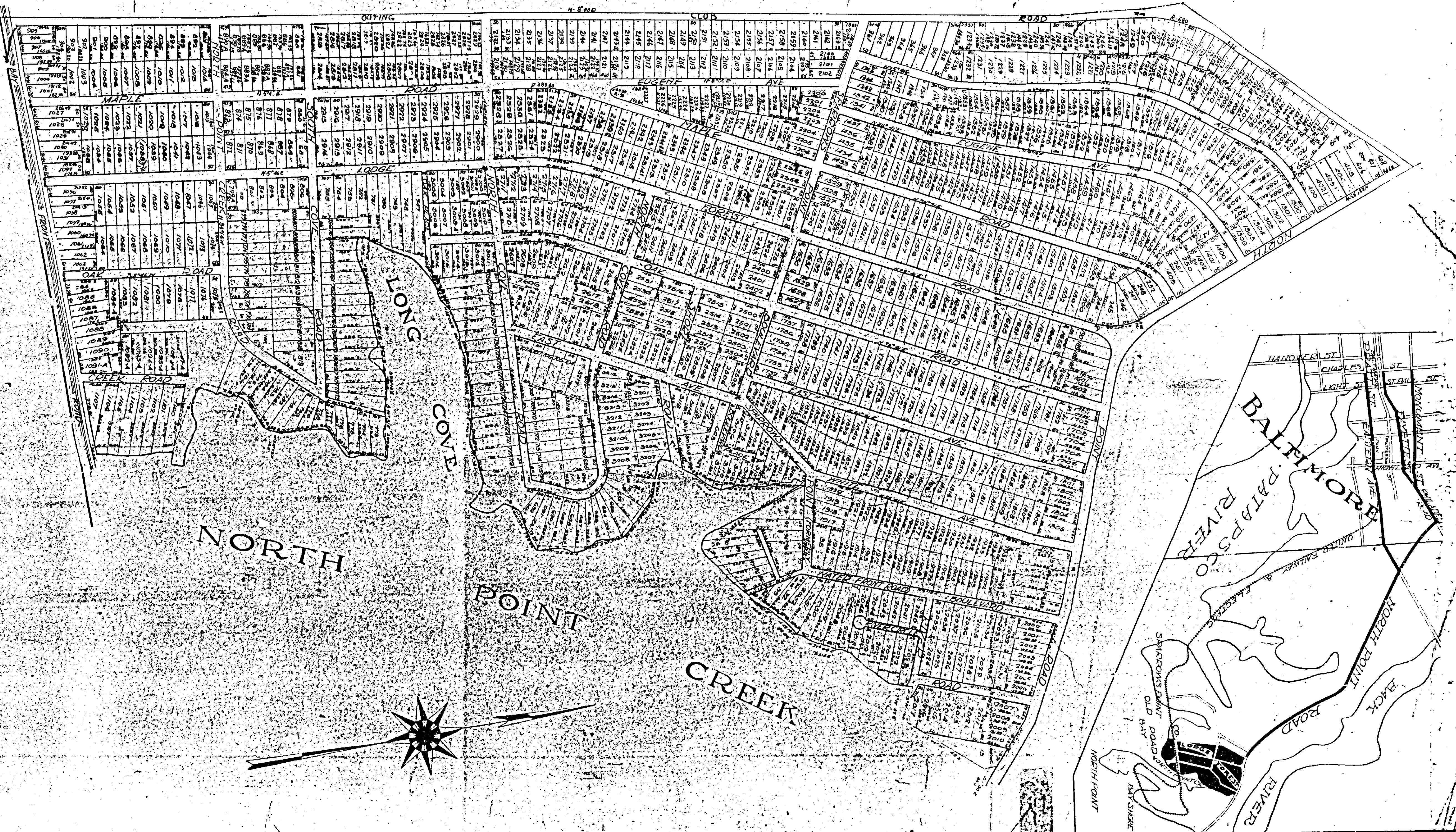
BAY

LODGE FOREST

OWNERS
— EASTERN PROPERTIES—
— CORPORATION —

RIVER

PREPARED AND ADJUSTED
BY
J. SPENCE HOWARD
CIVIL & CONSULTING ENGINEER
BALTIMORE, MD.
MARCH, 1922



BALTIMORE

ATAPSCO

RIVER

ROAD

BACK

NORTH POINT

ROAD

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.

ST. PAUL ST.